

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

John R., <sup>1</sup>	)	Civil Action No.: 1:23-cv-03107-RBH
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Martin O'Malley, Commissioner of	)	
Social Security Administration, <sup>2</sup>	)	
	)	
Defendant.	)	
	)	

This matter is before the Court for review of the Report and Recommendation ("R & R") of the United States Magistrate Judge Shiva v. Hodges.<sup>3</sup> *See* ECF No. 17. The Magistrate Judge recommends reversing and remanding the Commissioner's final decision for an award of benefits. *Id.*

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

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<sup>1</sup> The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

<sup>2</sup> Martin O'Malley was confirmed by the Senate and sworn in as Commissioner of the Social Security Administration on December 20, 2023. Pursuant to Fed. R. Civ. P. 25(d), he is substituted for Kilolo Kijakazi as a party to this action.

<sup>3</sup> This matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) for the District of South Carolina.

Neither party has filed objections to the R & R, and the time for doing so has expired.<sup>4</sup> In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note))).

Having found no clear error, the Court **ADOPTS** and incorporates by reference the Magistrate Judge's R & R [ECF No. 17]. Accordingly, pursuant to 42 U.S.C. § 405(g), the Court **REVERSES AND REMANDS** the Commissioner's final decision for an award of benefits.

**IT IS SO ORDERED.**

Florence, South Carolina  
January 26, 2024

s/ R. Bryan Harwell  
R. Bryan Harwell  
Chief United States District Judge

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<sup>4</sup> Objections were due by January 19, 2024. *See* ECF No. 17.